

Message Text

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14

ACTION AF-06

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FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 3836

INFO AMCONSUL CAPE TOWN

AMEMBASSY DAR ES SALAAM

AMCONSUL DURBAN

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY PARIS

USMISSION USUN NEW YORK

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CAPE TOWN ALSO FOR EMBASSY

E.O. 11652: N/A

TAGS: PINS, WA, SF

SUBJECT: NAMIBIA: SWAPO TERRORISM TRIAL BEGINS

1. TRIAL OF SIX SWAPO SUPPORTERS BEGAN FEBRUARY 16 IN
NAMIBIAN COASTAL CITY OF SWAKOPMUND. AARON MUSHIMBA, ANDREAS
NANGOLO, HENDRIK SHIKONGO, RAUNA NAMBINGA, NAIMI NOMBOWA,
AND ANNA NGHIBONDJWA ARE BEING TRIED UNDER THE TERRORISM ACT
FOR OFFENSES RANGING FROM TRANSPORTING THE ASSASINS OF FORMER
OWAMBO CHIEF MINISTER ELIFAS (SHIKONGO),
TO GIVING R10 (\$11.50) TO A PERSON WHO IN TURN GAVE IT TO
SWAPO MEMBERS IN ANGOLA (NOMBOWA AND NGHIBONDJWA). ACCUSED
ARE BEING DEFENDED BY CAPE TOWN SENIOR COUNSEL WILFRED
COOPER AND WINDHOEK ADVOCATE HANS BERKER, UNDER INSTRUCTION
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BY WINDHOEK FIRM OF LORENZ AND BONE. ADVOCATE DAVID SOGGOT,

WHO ORIGINALLY WAS TO HAVE HANDLED CASE, IS ACTING AS ADVISOR BECAUSE HIS CONTINUED PRESENCE IS REQUIRED AT SASO/BPC TRIAL IN PRETORIA. DEFENSE COSTS ARE BEING BORNE BY LUTHERAN WORLD FEDERATION.

2. IN HIS OPENING ADDRESS TO SWA SUPREME COURT JUSTICE J.J. STRYDOM, PROSECUTOR J. JANSEN SAID THAT THE STATE WOULD SHOW THAT ALL THE ACCUSED ASSISTED PERSONS "WHOSE GOAL IT WAS TO OVERTHROW BY FORCE" THE ADMINISTRATION AND CONTROL OF SWA, AND THEREFORE ARE GUILTY OF PARTICIPATION IN TERRORISTIC ACTIVITIES BECAUSE OF THEIR CONNECTION WITH THE SWAPO ORGANIZATION OPERATING IN ANGOLA.

3. APPROXIMATELY 200 SWAPO SUPPORTERS HELD A PEACEFUL DEMONSTRATION AT REAR OF THE COURT HOUSE IMMEDIATELY BEFORE THE TRIAL BEGAN. DEMONSTRATORS STOOD IN A WELL-ORDERED GROUP HOLDING PLACARDS AND SINGING SWAPO SONGS. AT THE MID-DAY RECESS THE CROWD GATHERED IN FRONT OF THE BUILDING AND WERE TOLD TO DISPERSE BY POLICE. WHEN THIS WAS NOT IMMEDIATELY COMPLIED WITH, THE POLICE BRIGADIER IN CHARGE ORDERED DOGS TO BE USED TO BREAK UP THE CROWD. SEVERAL DEMONSTRATORS WERE ARRESTED AND A REPORTER PHOTOGRAPHING THE DISTURBANCE WAS KNOCKED TO THE GROUND AND SLIGHTLY INJURED BY A POLICE CONSTABLE. ONCE THE CROWD WAS DISPERSED NO FURTHER INCIDENTS TOOK PLACE.

4. THE PROSECUTION HAS SUBPOENED 46 WITNESSES TO APPEAR IN THE CASE, WHICH IS EXPECTED TO LAST ABOUT SIX WEEKS. DEFENSE LAWYERS ARE EXPERIENCING DIFFICULTY IN GETTING WITNESSES TO APPEAR, AND AT THIS TIME ARE ONLY SURE OF THREE PEOPLE. AN OFFICIAL OBSERVER IS ATTENDING THE FIRST TWO WEEKS OF THE TRIAL ON BEHALF OF THE INTERNATIONAL COMMISSION OF JURISTS, AND OBSERVER FROM AMNESTY INTERNATIONAL IS SCHEDULED TO ATTEND LATER IN THE COURSE OF THE TRIAL. AN EMBASSY POLITICAL OFFICER WAS PRESENT DURING THE TRIAL'S FIRST THREE DAYS.

5. COMMENT: IT APPEARS FAIRLY CLEAR THAT THE CASE IS NOT SO MUCH A TRIAL OF SIX INDIVIDUALS AS IT IS A TRIAL OF SWAPO AS AN ORGANIZATION. THE STATE IN EFFECT WILL ATTEMPT TO PROVE LIMITED OFFICIAL USE

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THERE EXIST DIRECT LINKS BETWEEN THE INTERNAL WING AND THE INCREASINGLY MILITANT EXTERNAL WING. IN A RECENT SPEECH IN PARLIAMENT PRIME MINISTER VORSTER SAID THAT THE TWO BRANCHES WERE NOT DIFFERENT IN IDEOLOGY AND APPROACH (CAPE TOWN 80). THIS LINE WAS FOLLOWED UP FEBRUARY 16 BY A NATIONAL PARTY MEMBER OF PARLIAMENT FROM SWA, DR. P.S. VAN DER MERWE, WHO TOLD THE HOUSE OF ASSEMBLY THAT IT WAS BECOMING INCREASINGLY DIFFICULT TO DISTINGUISH BETWEEN THE INTERNAL WING

AND OTHER ELEMENTS OF THE ORGANIZATION, AND HINTED THAT
THE GOVERNMENT SHOULD BAN SWAPO. THE OUTCOME OF THE COURT
CASE IN SWAKOPMUND MAY HAVE STRONG BEARING ON ANY GOVERN-
MENT DECISION TO ACT AGAINST SWAPO IN NAMIBIA.
BOWDLER

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Margaret P. Grafeld
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